



In the United States Patent and Trademark Office

Applicants: Yahiaoui et al.
Serial No.: 09/938,347
Filed: August 24, 2001
For: TREATED SUBSTRATE WITH
IMPROVED TRANSFER EFFICIENCY
OF TOPICAL APPLICATION

K-C Docket 15876
Group: 1615
Examiner: Venkat

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ASSISTANT COMMISSIONER FOR PATENTS Washington, D.C. 20231

Response and Amendment

The following remarks and amendments are submitted in response to the Office Action mailed October 3, 2002. Applicants request that the Examiner reconsider the present application in view of the following remarks and amendments.

Remarks

Applicants acknowledge receipt of the Office Action mailed October 3, 2002 and submit that this Amendment and Response is a reply to each every rejection raised in the Office Action.

Currently, Claims 1-35, including independent Claims 1 and 24, are pending in the present application. Independent Claim 1 is directed to a composite material that includes a substrate, a boundary layer on a surface of the substrate and a topical application on the surface of the boundary layer opposite the substrate. The boundary layer is located between the substrate and the topical application and the transfer forces necessary to separate the topical application from the boundary layer are less than the transfer forces necessary to separate the boundary layer from the substrate. Independent Claim 24 is directed to a method of making a composite material that includes providing a substrate, applying a boundary layer to the substrate and applying a topical application to the boundary layer.

Applicants submit that the prior art fails to disclose, teach or suggest a boundary layer between a topical application and a substrate wherein the transfer forces necessary to separate the topical application from the boundary layer are lower than the transfer forces necessary to separate the substrate from the boundary layer. Applicants also submit that the prior art fails to disclose, teach or suggest a method of making a composite material that includes providing a substrate, applying a boundary layer to the substrate and applying a topical application to the boundary layer. Accordingly, Applicants respectfully request favorable reconsideration and allowance of the present patent application.

Amendments

Please amend Claims 9, 10, 16, 17 and 24 as follows:

9. The composite material of Claim 1 for application to skin wherein the topical application comprises a lotion, an ointment, a particulate, or a combination thereof.

10. The composite material of Claim 9 wherein the lotion or ointment is selected from a group consisting of natural fats and oils and waxes, synthetic fats and oils and waxes, fatty acids, fatty acid esters, polyhydroxy fatty acid esters, polyhydroxy fatty acid amides, fatty alcohols, fatty alcohol ethoxylates, essential oil, polymers, sterols and sterol derivatives, humectants, and combinations thereof.

16. The composite material of Claim 1 wherein the substrate comprises a nonwoven web.

17. The composite material of Claim 16, wherein the nonwoven web comprises a spunbond web, a meltblown web, a coformed web or a bonded carded web.

24. A method of forming a composite material adapted for transferring a topical application from a substrate to a surface, said method comprising:
providing a substrate;
applying a boundary layer to the substrate; and
applying a topical application to the boundary layer.

Response to Rejections under 35 U.S.C. § 112

(1) Applicants have amended Claim 9 to clarify that the topical application on the surface includes either a lotion, an ointment, a particulate, or a combination thereof. Applicants submit that amended claim 9 is definite within the meaning of 35 U.S.C. 112.

(2) For purposes of clarification, applicants have amended Claim 10 to remove the term "blend". Thus, amended claim 10 is now definite within the meaning of 35 U.S.C. 112.

(3) Applicants are not able to locate the phrase "or the like" in Claim 15.

(4) For purposes of clarification, applicants have amended Claim 16 to depend on Claim 1, thus removing the antecedent basis problem. Applicants submit that the amended claim 16 is now definite within the meaning of 35 U.S.C. 112.

(5) Applicants respectfully submit that Claim 17 is proper and that "or" terminology is acceptable, see MPEP §2173.05(h)(II). However, applicants have amended Claim 17 in order to more particularly point out and distinctly claim the subject matter of the invention.

(6) For purposes of clarification, applicants have amended Claim 24 to remove the phrase "such as". Thus, amended claim 24 is now definite within the meaning of 32 U.S.C. 112.

Response to Rejections under 35 U.S.C. § 102

In the Office Action, Claims 1-13 and 15-35 were rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,287,581 to Krzysik et al. (hereinafter Krzysik) describes a skin barrier enhancing formulation on a substrate such as a body side liner of a diaper. Krzysik fails to disclose a boundary layer (for example, a layer or Cetiol 1414E myristyl myristate among other suggested boundary layer compounds listed on page 14 at lines 17+ of the present application) between the skin care composition and the substrate. The boundary layer is a layer that is applied to the substrate so that the topical application may be readily separated from the substrate and subsequently transferred. Specifically, the transfer forces necessary to separate a topical application from the boundary layer are lower than the transfer forces necessary to separate the substrate from the boundary layer as presently claimed in Claim 1. The boundary layer is a layer that is separate from the topical application as illustrated in Figures 2, 4, 5 and 6 to enhance transfer efficiency of other ingredients that are placed over the boundary layer such as a topical application. A boundary layer is not blended with the topical application as described in the cited references. Krzysik fails to disclose a boundary layer wherein the transfer forces necessary to separate a topical application from the boundary layer are lower than the transfer forces necessary to separate the substrate from the boundary layer. Krzysik also fails to disclose a method of forming a composite material wherein a boundary layer is applied to a surface of a substrate and then a topical application is applied to the boundary layer. Thus, for at least the reasons set forth above, Applicants respectfully submit that the present claims are not anticipated by the above-cited reference.

In the Office Action, Claims 1-11 and 15-35 were rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,153,209 to Vega et al. (hereinafter Vega). Vega describes a skin care composition on a substrate such as a topsheet or body facing surface of a diaper. Vega also fails to disclose a boundary layer between the skin care composition and the substrate. Vega teaches that the skin care composition is "applied directly to one or more wearer-contacting surfaces, such as the topsheet" (see col. 28, lines 28-30). Not only does Vega fail to disclose a boundary layer between a topical application and a substrate, Vega fails to disclose a boundary layer wherein the transfer forces necessary to separate a topical application from the boundary layer are lower than the transfer forces necessary to separate the substrate from the boundary layer. Vega also fails to disclose a method of forming a composite material wherein a boundary layer is applied to a surface of a substrate and then a topical application is applied to the boundary layer. Thus, for at least the reasons set forth above, Applicants respectfully submit that the present claims are not anticipated by the above-cited reference.

Conclusion

It is respectfully submitted that the claims as presently amended are patentably distinct over the prior art of record. It is believed that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Examiner Venkat is invited and encouraged to telephone the undersigned at (770)-587-8620 should any issues remain after consideration of this response.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

Respectfully submitted,

Yahiaoui et al.

By: Christos S. Kyriakou
Christos S. Kyriakou
Registration No.: 42,776
Attorney for Applicants

CERTIFICATE OF MAILING

I, Christos S. Kyriakou, hereby certify that on February 3, 2003 this document is being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

By: Christos S. Kyriakou
Christos S. Kyriakou



By this Response and Amendment, the Claims were amended as follows:

Claims 9, 10, 16, 17 and 24 were amended as follows:

9. The composite material of Claim 1 for application to skin wherein the topical application [is] comprises a lotion[or], an ointment, a particulate, or a combination thereof.

10. The composite material of Claim 9 wherein the lotion or ointment is selected from a group consisting of natural fats and oils and waxes, synthetic fats and oils and waxes, fatty acids, fatty acid esters, polyhydroxy fatty acid esters, polyhydroxy fatty acid amides, fatty alcohols, fatty alcohol ethoxylates, essential oil, polymers, sterols and sterol derivatives, humectants, and [a combination or blend] combinations thereof.

16. The composite material of Claim [15] 1 wherein the substrate comprises a nonwoven web.

- 17. The composite material of Claim 16, wherein the nonwoven web comprises a spunbond web, a meltblown web, a coformed web or a bonded carded web.

24. A method of forming a composite material adapted for [uses such as] transferring a topical application from a substrate to a surface, said method comprising:

- providing a substrate;
- applying a boundary layer to the substrate; and
- applying a topical application to the boundary layer.

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